

Notice of Allowability

Application No.

10/621,734

Examiner

Nima Khomassi

Applicant(s)

SILVERMAN ET AL.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 6/8/06.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

The application having Application No. 10,621,734 has a total of 14 claims pending in the application; there are 2 independent claims and 12 dependent claims. This is in response to the amendment filed 6/8/2006. Claims 1, 2, 4, 5, 7, 8, 9, 10, 11, 13, and 14 are amended. The section 112 rejection for claims 8-14 is withdrawn in view of applicant's arguments. The rejection is withdrawn. The section 112 rejection for claim 13 is withdrawn in view of applicant's amendment.. The rejection is withdrawn. The corrections to the drawings has been noted and entered. The objection is withdrawn.

Allowable Subject Matter

Claims 1-14 are allowed.

Claims 15-16 are cancelled.

The following is an examiner's statement of reasons for allowance: the present invention is drawn to providing encryption in a communication system using encryption vectors and also ensuring the receipt of packets by use of acknowledgements, all occurring at the physical layer. More specifically, independent claims 1 and 8 identify the uniquely distinct features: a first *physical layer* packet encrypted using a first encryption vector to a receiving device, wherein the first *physical layer* packet comprises a second encryption vector (emphasis added by the examiner). The closest prior art Srivastava et al. with U.S. Patent No. 6,684,331, also disclose the encryption using a first encryption vector wherein the first packet comprises a second encryption

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vector. However, Srivastava et al. does not disclose this encryption method occurring at the physical layer. The prior art, taken either singly or in combination, fails to anticipate or fairly suggest the limitations of applicant's independent claim, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The claimed invention is therefore considered to be in condition for allowance as being novel and nonobvious over prior art. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

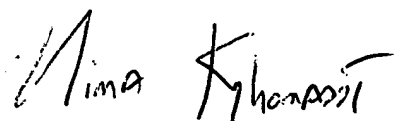
Any inquiry concerning this communication or earlier communications should be directed to Nima Khomassi whose telephone number is (571) 272-3775. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM. If the examiner is unavailable, Applicant is advised to leave a voicemail message which will be returned by the next business day.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron Jr., can be reached at (571) 272-3799.

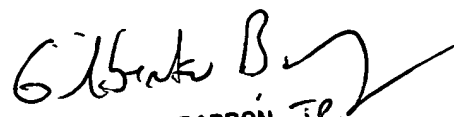
The fax number for Formal or Official faxes to Technology Center 2100 is 571-273-8300. On July 15, 2005, the Central Facsimile (FAX) Number changed from 703-872-9306 to 571-273-8300. As of September 15, 2005, the former is no longer in service; the latter is the only facsimile number recognized for centralized delivery.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nima Khomassi
July 18, 2006
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GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100